Attorney Docket No. 10559-350001
Application No. 09/662,054
Amendment dated May 21, 2004
Reply to Office Action dated February 23, 2004

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Initially, the indication that claims 13 and 16-21 are allowed is appreciatively noted. These claims are retained herein.

Claims 12 and, 22-25, 27-32, 36 and 38 stand rejected under 35 USC 112, second paragraph as being indefinite.

Claims 12 and 28-32 have been amended to depend from the proper claims. The antecedent issues in claims 22, 36 and 38 have been addressed.

The current claims stand rejected under 35 USC 102 as allegedly being unpatentable over Coteus, alone or in view of Huang, or in view of Jeddeloh. These contentions are respectfully traversed for reasons set forth herein. Claim 1 should be allowable based on its recitation of using sets of delay values. In responding to the previous argument, the rejection states the point that Coteus describes storing the best set of values as flag 16A1 and 16A2; and also that claim 1 does not recite using the set that produces the best result. This latter point is well taken, and hence claim 1 has been amended to recite using the set that produces the best result.

However, it is respectfully suggested that the argument made in item 9 ignores the fact that claim 1 requires that the arbitration logic checks different sets of values to determine which set produces the best result. Coteus increments through delays until a desired delay amount is obtained. There is no teaching or suggestion of storing multiple different sets of delay values, and testing each of these sets to use the one which is obtained as the optimum delay set. Quite simply, Coteus teaches nothing about this operation. Even assuming that the flags 1681 and 1682 could be considered as a set of delay values, there certainly still is no teaching or suggestion of different sets of values to determine which of the set of values produces a best result as defined by claim 1. Therefore, claim 1 should be allowable over Coteus for these reasons.

Each of the dependent claims should be allowable for similar reasons to those discussed above. However, claims 46 and 47 should be specifically allowable. These claims define detecting the new delay values when the specified event occurs. Coteus, both alone and in view of Jeddeloh, do not teach this. On page 5, the official action states that it is well-known to re-power and initialize based on an operating system crash or the like. However, nowhere is there any teaching or suggestion

of reprogramming delay values based on an operating system crash.

Claim 22 should be allowable for similar reasons to those discussed above. Claim 22 has been amended to recite a system crash, to distinguish over the interpretation that the system event is initial power up. Nothing in Coteus teaches or suggests resetting delay values responsive to a system crash. In fact, one reason for a system crash may be improper delay values. Nothing about this is taught or suggested by Coteus.

Claim 33 defines sets of values, which are not taught or suggested by Coteus, as described above. At best, Coteus, even under the interpretation taken by the official action, teaches only one set of values, not finding a best one among multiple sets. Therefore, claim 33 should be additionally allowable for this reason.

As claim 37 has been amended in a similar way, to obviate the interpretation that the system event is power up.

Claim 42 is canceled to obviate the rejection.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be

exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the above amendments and remarks, therefore, all of the claims should be in condition for allowance. A formal notice that effect is respectfully solicited. As

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Respectfully submitted,

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